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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,571	03/29/2001	Henry Tien Lo		6389
7:	590 10/01/2002			
Henry Tien Lo			EXAMINER	
5010 Indian River Drive Apt 32			COLLINS, DOLORES R	
Las Vegas, NV 89103			ART UNIT	PAPER NUMBER
	•		3711	
			DATE MAILED: 10/01/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary Colleges Art Unit Dolores R. Collins Dolores R. Collins Art Unit Dolores R. Collins Art Unit Dolores R. Collins Dolores R. Dolores R. Dolores R. Dolores R. Dolores R. Dolores	· •	Application No.	Applicant(s)				
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Art Unit: 3711

DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received 8/30/2002. Examiner further acknowledges the corrections/clarifications made to address the issues of the first action.

Examiner acknowledges the amendments made to claims 1-4, 6, 8, 10, 13, and 16-20.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 3711

1. Claims 1- 21 are provisionally rejected under the judicially created doctrine of double patenting over the claims of cop ending Applications Nos. 09/823,569, 09/823,689, 09/823, 570 and 09/823,572. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced cop ending applications and would be covered by any patent granted on those cop ending application since the referenced cop ending applications and the instant application are claiming common subject matter, as follows: A Card Game among a plurality of players and a Banker utilizing the same means and procedures.

Although each Application does not teach the limitations of the aforementioned claims exactly, it would have been obvious to claim the alternative embodiments at the time since the adjustments to include these forms would have been minor.

This is a <u>provisional</u> obviousness-type double patenting rejection.

Art Unit: 3711

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Kadlic and further in view of Lo

Webb discloses a Method For Playing Double Hand Card Games.

Regarding claims 1, 2 & 4-20

Webb teaches:

- a card game with a plurality of players (see abstract);
- providing and shuffling at least one standard poker deck of cards and at least one joker (see abstract);
- each player placing at least one bet (see abstract and claim 2);
- dealing six card hands to player and dealer (claim 1);

and

resolving games and wagers (claims 16 & 17)

Art Unit: 3711

Webb fails to explicitly teach that cards are discarded.

Kadlic discloses the game American Canasta. His game teaches cards being discarded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the game of Webb to include the discarding of unwanted cards in order to provide additional opportunities for the players.

Both Webb and Kadlic fail to teach wagers being placed on specified bets.

Lo discloses Card Game. His game teaches the limitation that both Webb and Kadlic fail to teach, i.e., wagers being placed on specified bets.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this feature to the modified game of Webb in order to add excitement to the game for the players.

Additionally, Webb teaches predetermined winning tables and payoff amounts. Webb, however, fails to teach the identical predetermined schedules as outlined in the limitations of claims 4-21.

Predetermined winning tables of outcomes and payoff amounts are well known in the art. It would be an obvious matter of design choice to make the predetermined tables/schedules as desired.

Art Unit: 3711

Regarding claims 3 & 21

Webb teaches:

• the use of a standard pack plus wild indicia, which could be jokers (see abstract and col. 3, lines 41-43).

Webb fails to explicitly teach a specific number of jokers as wild card.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the number of jokers available used since a wild indicia is required for each player and the dealer in this game. A mere duplication would present little or no difficulty to one of ordinary skill in the art.

Art Unit: 3711

Response to Arguments

Applicant's arguments filed 8/30/2002 have been fully considered but they are not persuasive. Applicant has amended claims 1-4, 6, 8, 10, 13 and 16-20 to include recitations of predetermined outcomes. Webb teaches predetermined winning tables and payoff amounts. Webb, however, fails to teach the identical predetermined schedules as outlined in the limitations of applicant's claims.

Predetermined winning tables of outcomes and payoff amounts are well known in the art. It would be an obvious matter of design choice to make the predetermined tables/schedules as desired.

Webb teaches at least one joker. This indicates that his game may have two jokers.

Additionally, regarding independent claim 1, by applicants own admission (see applicant's comparison table on page 11 of the response) there is no difference between applicant's invention and the cited reference (Webb).

On page 7 (last paragraph) of applicant's response, applicant indicates that claims 1-20 are pending in this application. Applicant has however failed to cancel claim 21. Claims 1-21 are therefore pending in this application.

The limitations of applicant's invention, as claimed, do not seem to overcome the cited references.

Art Unit: 3711

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wisted (415) & (524), Goldman, Miller, Marquez, English, Breeding and Scott et al. are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Dolores R. Collins* whose telephone number is *(703)* 308-8352. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *PAUL SEWELL* can be reached on *(703) 308-2126*. The fax phone

numbers for the organization where this application or proceeding is assigned are *(703)* 305-3579 for regular communications and *(703)* 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is *(703)* 308-1148.

September 24, 2002

Benjamin H. Layno Primary Examiner